

DATE: 11.21.11

SITE NAME & SSID: Rico Argentine

ROUTING AND TRANSMITTAL SLIP		
CERCLA 104(e)		
TO:	Initials:	Date:
1. Enforcement Specialist: <i>Carol Pokorny, ENF-RC</i>	<i>CP</i>	<i>11/28/11</i>
2. Sue Zaynard, ENF-RC, for Proofreading <i>w/corrections</i>	<i>SP</i>	<i>11.29.11</i>
3. Site Attorney: <i>Amelia Piggott, ENF-L</i>	<i>AP</i>	<i>11.21.11</i>
4. OSC/RPM/SAM: <i>Steve Way, EPR-SA</i>	<i>SW</i>	<i>11/30</i>
5. Matt Cohn, ENF-L, for SIGNATURE <i>LME</i>	<i>MC</i>	<i>12/7/11</i>
6. Kelley Land, ENF-RC, for SIGNATURE	<i>KL</i>	<i>12/8/11</i>
7. RETURN TO: <i>Carol Pokorny, ENF-RC</i>		
8. Sue Zaynard, ENF-RC, for Distribution		

COMMENTS: 104(e) for financial information from Atlantic Richfield



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-L

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article No. _____

concurrency

Bill Duffy
Counsel for Atlantic Richfield Company
Davis, Graham & Stubbs
1550 Seventeenth Street, Suite 500
Denver, CO 80202

Nathan Block
BP America, Inc.
501 Westlake Park Blvd.
Houston, TX 77079

Re: Request for Information Pursuant to Section 104 of CERCLA for the Rico Argentine Superfund Site near the Town of Rico, in Dolores County, Colorado

Dear Sirs:

The United States Environmental Protection Agency (~~the~~ EPA) is currently investigating the source, extent and nature of the release or threat of release of hazardous substances and/or pollutants or contaminants on or about the Rico Argentine Site in Dolores County, Colorado (the Site). The EPA is also investigating information relating to the ability of the Atlantic Richfield Company ("AR" or "Respondent") to pay for or perform a cleanup.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, AR is hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended. The statute permits the EPA to seek the imposition of civil penalties of up to \$37,500 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject AR to criminal penalties under 18 U.S.C. § 1001.

AP 8ENF-L
11.21.11

8ENF-L
C. P. P. P. P.
11/29/11

J. J. J. J. J.
11-29-11

W. C. C. C. C.
11/29/11

Changes made
AP 11.30.11

S. S. S. S. S.
8 ENF-L
11/30/11

Calvin
ENF-L
12/7/11

cc w/enc: A. Piggott, 8ENF-L *via electronic mail*
C. Pokorny, 8ENF-RC *via electronic mail*
S. Wilder, 8ENF-RC *via electronic mail*
B. Duffy, Esq., Davis Graham & Stubbs *via electronic mail*
N. Block, Esq., BP America Inc. *via electronic mail*

Rico-Argentine Superfund Site
First Information Request

Instructions

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
5. Identify the person(s) answering these questions on behalf of AR.
6. For each and every question contained herein, identify all persons consulted in the preparation of the answer.
7. For each and every question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contains information responsive to the question and provide accurate copies of all such documents. If information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.
8. The information requested herein must be provided even though AR may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. § 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. 2.203(b). To prove your claim for confidentiality you must provide the following information for each document for which confidentiality is claimed:
 - a. the portions of the information claimed to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;

d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

e. pertinent confidentiality determinations, if any, by the EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and,

f. whether you assert that disclosure of the information would be likely to result in substantial harmful effects on your business' competitive position, and, if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. All confidentiality claims are subject to the EPA's verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

9. Information which you submit in response to this Information Request may be disclosed to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert a confidentiality claim. Please be advised that the EPA could disclose all responses to this Information Request to Toerock Associates, Inc., or Industrial Economics, Inc., private contractors employed by the EPA, for the purpose of organizing and analyzing the response to this Information Request. If you are submitting information for which you claim treatment as confidential business information, you may comment on this intended disclosure within seven days of receiving this Information Request.

Definitions

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601 et seq. The following definitions shall apply to the following words as they appear in this enclosure.

The term "Company" shall mean any entity Afiatic Richfield has or may use to provide financial assurance for any environmental liability.

The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:

1. writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:

a. invoices, receipts, endorsements, checks, bank drafts, canceled checks, deposit slips, withdrawal slips, orders;

b. letters, correspondence, faxes, telegrams, telex documents;

c. minutes, memoranda of meetings and telephone and other conversations, telephone messages;

d. agreements, contracts, and the like;

e. log books, diaries, calendars, desk pads, journals;

f. bulletins, circulars, forms, pamphlets, statements;

g. reports, notices, analyses, notebooks;

h. graphs or charts; or,

i. copies of any documents.

2. microfilm or other film records, photographs, or sound recordings on any type of device;

3. any tapes, discs, or other type of memory generally associated with computers and data processing and,

4. attachments to or enclosures with any documents as well as any documents referred to in any other documents.

Questions

1. Provide copies of the following financial documents produced, generated or otherwise prepared by or on behalf of the Company for the past three years. Include all such financial documents for the Company separately, as well as consolidated financial information.

- a. Any certified or uncertified financial statements;
- b. Any auditor's statements contained in any monthly, quarterly or annual report prepared in the normal course of business;
- c. Any financial information provided to officers, directors or shareholders of Company in the normal course of business;
- d. Any financial information provided to BP p.l.c. in the normal course of business;
- e. Any financial information or reports submitted to the U.S. Internal Revenue Service, including corporate tax returns or estimated tax payments; and,
- f. Any balance sheets or income statements or statements of cash flow.

Include all such financial documents for the Company separately, as well as consolidated financial information.

2. Provide copies of all documents submitted to federal or state authorities regarding the status of financial assurance for Atlantic Richfield's (AR's) environmental requirements in the most recent three calendar years (2009-2011), including the following information for each financial assurance requirement:

- a. provide the name and the EPA ID number of the facility or site subject to financial assurance requirements;
- b. provide the address of the facility or site;
- c. provide a copy of the order, permit, consent decree, or other document that requires financial assurance at the facility or site;
- d. indicate whether AR is the owner/operator of the facility or is the corporate guarantor of the facility;
- e. state the amount and date of the most recent cost estimate for the financial assurance requirements;
- f. provide complete copies of the financial assurance mechanism(s) provided to fulfill the financial assurance requirements at the facility or site (e.g., trust fund, surety bond, or letter of credit); and,

g. if, in response to Question 2f above, the financial assurance requirements are being fulfilled by a financial test or corporate guarantee, please submit copies of the financial statements for the entity(ies) whose financial data are represented in the chief financial officer's (CFO's) letter, including an income statement, balance sheet, statement of cash flows and all accompanying notes for the most recent fiscal year, including consolidating and consolidated schedules, rounded only to the nearest dollar.

3. For each year from 2009 to the present, describe each component of environmental liabilities (including accrued reclamation costs) reflected on AR's balance sheet. Please provide copies of all work papers, analyses, and other documentation relating to the costs associated with these liabilities.

4. For each year from 2009 to the present, describe each component of the environmental liabilities (including accrued reclamation costs) related to AR reflected on BP p.l.c. or BP North America, Inc.'s balance sheet, and/or discussed in the notes to AR's financial statements. Please provide copies of all work papers, analyses, and other documentation relating to the cost estimates associated with these liabilities.

5. Provide any financial and/or environmental analyses performed either internally or by third parties from 2009 to the present in connection with AR's estimates of its environmental costs, including but not limited to remediate cost projections, analyses of environmental liabilities and calculations of environmental reserves for financial reporting or other purposes.

6. Describe in detail AR's past, present or expected future mining and mineral processing activities or operations.

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by the Atlantic Richfield Company (AR) to respond to the Environmental Protection Agency's Information Request concerning the Rico-Argentine Site located near the Town of Rico in Dolores County, Colorado.

2. I have made a complete and thorough review of all documents, information, and sources relevant to the Information Request.

3. I hereby certify that the attached response to the EPA's request is complete and contains all information and documents responsive to the Information Request.

(Signature)

(Print Name)

(Title)

Subscribed and sworn to me this _____ day of _____, 2012.

SEAL

Notary Public

My Commission Expires _____

My address is _____

